REMARKS

Upon entry of the present amendment, claims 1, 5-10 are pending in the application. No new matter has been added as support for amended claim 1 can be found in Applicants' specification on page 5, paragraph [0022], page 6, paragraph [0024], and page 9, paragraph [0036].

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

1. **Rejection of claims 1, 5-10 under 35 U.S.C. §102(b) as being anticipated by Wagner et al., U.S. 4,214,469, hereafter "Wagner" or "'469".**

Claims 1, 5-10 have been rejected as being anticipated by Wagner. The basis of the rejection is understood as follows:

> Wagner et al. discloses: An apparatus for plastically deforming a work piece (M) comprising a sheet, the apparatus comprising:
>
> a first and second cylindrical guide roll (1 & 2, Fig. 1) rotatable in a first direction, each of said cylindrical guide rolls having an outer circumference;
>
> a bendable strip (3) having a portion of at least one surface in communication with a portion of the outer circumference of each of the first and second cylindrical guide rolls (1 & 2), said bendable strip being capable of motion around the first and second cylindrical guide rolls (1 & 2) in the first direction and exerting a force (see Figs. 3, 5 & 7) upon work piece (M),
>
> a first cylindrical feeding roll (23, Fig. 3) rotatable in a second direction opposite to the first direction, said first cylindrical feeding roll having an outer circumference, a plastic deformation passage (area from (14), (15) to (17), (16) in Fig. 1) having a first surface and a second surface, at least a portion of the first surface being defined by a portion of the bendable strip (3), and at least a portion of the second surface being defined by the outer circumference of the first cylindrical feeding roll (23), the plastic deformation passage extending from the first cylindrical guide roll (1) to the second cylindrical guide roll (2), wherein one or both of the bendable strip (3) and the cylindrical feeding roll (23), when in motion, propel the work piece (M) through the plastic deformation passage (Fig. 3) wherein the work piece (M) is plastically deformed.
>
> *(Office Action of February 28, 2007, pages 2-3).*

Applicants greatly appreciate the detailed basis of rejection but must respectfully disagree. In particular, Applicants respectfully submit that Wagner fails to satisfy the necessary standard for anticipation.

There must be no difference between the claimed invention and the disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Res. Found. v. Genentech Inc.*, 18 U.S.P.Q.2d 1001 (Fed. Cir. 1991).

Wagner does not disclose any embodiment having all of the elements of the invention of Applicants' independent claim 1. That is, Wagner does not disclose Applicants' claimed apparatus.

For example, Applicants' apparatus must have *both* a particular bendable strip and a first cylindrical feeding roll rotatable in a second direction opposite to the first direction such that the plastic deformation passage is formed by *both* of these elements.

In contrast, Wagner does not show an apparatus with any such combination of elements or a deformation passage formed by both of the same. That is, although Wagner's Figure 1 embodiment contains a bendable strip, Wagner's Figure 3 embodiment does not contain any such element. Similarly, although Wagner's Figure 3 embodiment may contain wheels 23 and 24 (purportedly, Applicants' cylindrical feeding roll rotatable in a second direction opposite to the first direction), Wagner's Figure 1 embodiment does not contain any such wheels 23 or 24.

This difference is further clarified by the fact that Wagner's channel 26 of Figure 3 is not defined in any way by a belt 3. Rather, it is defined by the materials to be deformed and the wheel 24.

Thus, Wagner does not disclose Applicants' claimed invention. While a prior art reference need not use the identical terminology, the reference must "sufficiently describe the claimed invention to have placed the public in possession of it." *Minnesota Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 24 U.S.P.Q.2d 1321, 1332 (Fed. Cir. 1992). In this case, the prior art reference does not place Applicants' claimed invention in the public's possession.

Accordingly, reconsideration and removal of the rejection is respectfully requested in regard to independent claim 1. Similarly, since dependent claims 5-10

incorporate all of the limitations of independent claim 1, they are likewise believed to be novel over the cited reference. Reconsideration and removal of the rejection is respectfully requested.

CONCLUSION

Applicant(s) respectfully submit that the Application and pending claims are patentable in view of the foregoing amendments and/or remarks. A Notice of Allowance is respectfully requested. As always, the Examiner is encouraged to contact the Undersigned by telephone if direct conversation would be helpful.

Respectfully Submitted,

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